



SO ORDERED.

SIGNED this 18 day of March, 2010.


Randy D. Doub
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

**TAAF, LLC,
FULCHER TIRE SALES & SERVICE, INC.,
TODD FULCHER, LLC,**

**CHAPTER 11
CASE NOS. 10-00171-8-RDD
10-00172-8-RDD
10-00174-8-RDD**

DEBTORS

**ORDER APPROVING APPLICATIONS
FOR EMPLOYMENT OF ATTORNEY *NUNC PRO TUNC***

These matters came on for hearing before the United States Bankruptcy Court for the Eastern District of North Carolina on Applications for Employment of Attorney filed by Robert Lewis, Jr. of the Lewis Law Firm in each of the above-referenced cases. The Bankruptcy Administrator objected to the applications and the Court held a hearing on March 16, 2010 in Greenville, North Carolina.

After considering the representations of counsel, the Bankruptcy Administrator, and the Chapter 11 Trustee, and the facts of these cases, the Court makes the following findings of fact:

1. TAAF, LLC filed a petition for relief under chapter 11 of title 11 of the United States Code on January 10, 2010.

2. Fulcher Tire Sales and Services, Inc. and Todd Fulcher, LLC filed petitions for relief under chapter 11 of title 11 of the United States Code on January 11, 2010.

3. At the time the petitions were filed, each entity was owned and operated by Todd A. Fulcher.

4. At the conclusion of a two day hearing, on February 5, 2010, the Court appointed John C. Bircher, Esquire to serve as Chapter 11 Trustee in each of the above-referenced cases.

5. Subsequently, each of the above-referenced debtors, by and through Todd A. Fulcher, filed an application to employ Robert Lewis, Jr. of the Lewis Law Firm as counsel to the chapter 11 debtors-in-possession on February 6, 2010.¹

6. However, at the time the applications to employ were filed, a chapter 11 trustee had been appointed and neither Todd A. Fulcher nor the debtors had the authority to employ professionals on behalf of the estates.

7. However, Mr. Lewis has appeared before this Court on behalf of the debtors-in-possession and prepared and filed the petitions, schedules, and other pleadings in these cases both before and after the appointment of the Chapter 11 Trustee.

8. The Bankruptcy Administrator and the Chapter 11 Trustee recognize that Mr. Lewis performed certain services that may have been for the benefit of the estates but assert that the representation by Mr. Lewis should be limited by the appointment of the Chapter 11 Trustee.

9. Mr. Lewis requested that the Court approve his application for employment on a limited basis for each of the three cases. More specifically, he requested that he be employed as counsel for

¹The Applications to Employ are dated February 2, 2010 but were not filed until February 6, 2010.

the debtors *nunc pro tunc* for the period of January 10, 2010 through February 5, 2010 for the estate of TAAF, LLC; for the period of January 11, 2010 through February 5, 2010 for the estate of Todd Fulcher, LLC; and for the period of January 11, 2010 through February 5, 2010 for the estate of Fulcher Tire Sales & Service, Inc.

10. The Bankruptcy Administrator and the Chapter 11 Trustee do not object to the employment of Robert Lewis, Jr. and the Lewis Law Firm during the time frames requested by Mr. Lewis.

Based on the foregoing, the Application for the Employment of Attorney is APPROVED *nunc pro tunc* for the period of period of January 10, 2010 through February 5, 2010 for the estate of TAAF, LLC.

The Application for the Employment of Attorney is APPROVED *nunc pro tunc* for the period of January 11, 2010 through February 5, 2010 for the estate of Todd Fulcher, LLC.

The Application for the Employment of Attorney is APPROVED *nunc pro tunc* for the period of January 11, 2010 through February 5, 2010 for the estate of Fulcher Tire Sales & Service, Inc.

All attorney fees and expenses incurred by the debtors must be approved by this Court.

SO ORDERED.

END OF DOCUMENT